

House File 2487 - Reprinted

HOUSE FILE 2487
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 568)

(As Amended and Passed by the House March 11, 2024)

A BILL FOR

1 An Act relating to education, including by modifying provisions
2 related to mandatory reporting to the board of educational
3 examiners of certain specified school employees, complaints
4 against school employees and the investigation of complaints
5 against school employees, and the responsibilities of
6 the department of education and the board of educational
7 examiners.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

DIVISION I

BOARD OF EDUCATIONAL EXAMINERS — MANDATORY REPORTING

Section 1. Section 256.160, subsection 1, paragraph a, subparagraph (1), subparagraph division (a), Code 2024, is amended by striking the subparagraph division and inserting in lieu thereof the following:

(a) Soliciting, encouraging, or consummating any of the following:

(i) A romantic or physical relationship with a student.

(ii) Grooming behavior toward a student.

(iii) An otherwise inappropriate relationship with a student.

Sec. 2. Section 256.160, subsection 1, paragraph a, subparagraph (1), Code 2024, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (e) Abusing a student.

Sec. 3. Section 256.160, subsection 1, paragraph a, subparagraph (2), Code 2024, is amended to read as follows:

(2) The board of directors of a school district or area education agency, the superintendent of a school district, the chief administrator of an area education agency, and the authorities in charge of an accredited nonpublic school shall report to the board the nonrenewal or termination, for reasons of alleged or actual misconduct, of a person's contract executed under [sections 279.12, 279.13, 279.15, 279.16, 279.18 through 279.21, 279.23, and 279.24](#), and the resignation of a person who holds a license, certificate, or authorization issued by the board as a result of or following an incident or allegation of misconduct that, if proven, would constitute a violation of the rules adopted by the board to implement section 256.146, subsection 13, paragraph "b", subparagraph (1); soliciting, encouraging, or consummating a romantic or physical relationship with a student, grooming behavior toward a student, or an otherwise inappropriate relationship with a student; falsifying student grades, test scores, or other

1 official information or material; ~~or~~ converting public property
2 or funds to the personal use of the school employee; or abusing
3 a student, when the board or reporting official has a good
4 faith belief that the incident occurred or the allegation is
5 true. The board may deny a license or revoke the license
6 of an administrator if the board finds by a preponderance
7 of the evidence that the administrator failed to report the
8 termination or resignation of a school employee holding a
9 license, certificate, statement of professional recognition,
10 or coaching authorization, for reasons of alleged or actual
11 misconduct, as defined by [this section](#).

12 Sec. 4. Section 256.160, subsection 1, paragraph c, Code
13 2024, is amended by striking the paragraph.

14 Sec. 5. Section 256.160, Code 2024, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 5. For purposes of this section:

17 *a. "Grooming behavior"* means any attempt to seduce, solicit,
18 lure, or entice a student, or a person believed to be a
19 student, to participate in a sex act, as defined in section
20 702.17, or to engage in any unlawful sexual conduct.

21 *b. "Inappropriate relationship"* means a dating relationship,
22 a sexual relationship, or any relationship in which sexual
23 harassment or any form of physical or sexual abuse occurs.

24 *c. "Misconduct"* means an action disqualifying an applicant
25 for a license or causing the license of a person to be revoked
26 or suspended in accordance with the rules adopted by the board
27 to implement section 256.146, subsection 13, paragraph "b",
28 subparagraph (1).

29 DIVISION II

30 BOARD OF EDUCATIONAL EXAMINERS — PROCESS FOR INVESTIGATING
31 COMPLAINTS

32 Sec. 6. Section 256.9, subsection 67, Code 2024, is amended
33 by striking the subsection.

34 Sec. 7. Section 256.146, Code 2024, is amended by adding the
35 following new subsection:

1 NEW SUBSECTION. 25. a. (1) Develop and implement a
2 process for the reporting and investigation of any incident
3 that arises that may reasonably lead to the conclusion that
4 any individual who is employed by the board of directors of a
5 school district, the authorities in charge of an accredited
6 nonpublic school, or the governing board of a charter
7 school, including an individual with a license, endorsement,
8 certification, authorization, or statement of recognition
9 issued by the board of educational examiners, has committed
10 a felony or, in the case of an individual with a license,
11 endorsement, certification, authorization, or statement of
12 recognition issued by the board of educational examiners, has
13 engaged in conduct described in section 256.160, subsection 1,
14 paragraph "a", subparagraph (1).

15 (2) The process must require the board of educational
16 examiners to assign a unique identifier to each incident that
17 is reported. The board of educational examiners shall provide
18 the unique identifier to the person who reported the incident
19 and to the employee who is the subject of the incident, and
20 the unique identifier must be able to be used to search the
21 board of educational examiners' internet site to determine the
22 current status of the investigation of the incident, including
23 the date of the most recently taken action. The board of
24 educational examiners shall ensure that the portion of the
25 internet site displaying such information is only accessible by
26 the person who reported the incident, the employee who is the
27 subject of the incident, and the board of educational examiners
28 and its employees and agents.

29 b. The process shall prohibit the board of directors of a
30 school district, the authorities in charge of an accredited
31 nonpublic school, and the governing board of a charter school
32 from entering into any of the following:

33 (1) A written or oral agreement that prohibits the board
34 of directors of the school district, the authorities in charge
35 of an accredited nonpublic school, the governing board of

1 a charter school, an employee of the school district, the
2 accredited nonpublic school, or the charter school, or a
3 contractor of the school district, the accredited nonpublic
4 school, or the charter school from discussing an incident, past
5 performance or actions, past allegations leading to discipline
6 or adverse employment action, or employee resignation with any
7 governmental agent, governmental officer, or any potential
8 employer.

9 (2) A written or oral agreement that waives the liability
10 of an individual with a license, endorsement, certification,
11 authorization, or statement of recognition issued by the
12 board of educational examiners related to or arising from an
13 incident, past performance or action, or past allegations of
14 wrongdoing.

15 c. (1) The process shall require the board of directors
16 of a school district, the authorities in charge of an
17 accredited nonpublic school, and the governing board of a
18 charter school to provide all documentation and information
19 related to the incident to the board of educational examiners
20 for investigation if the employee who is the subject of the
21 incident and who has a license, endorsement, certification,
22 authorization, or statement of recognition issued by the board
23 of educational examiners resigns or the employee's contract is
24 terminated during the school district's, accredited nonpublic
25 school's, or charter school's investigation of the incident.

26 (2) The process shall require the board of directors of a
27 school district, the authorities in charge of an accredited
28 nonpublic school, and the governing board of a charter school
29 to finalize the investigation of the incident even if the
30 employee who is the subject of the incident and who does not
31 have a license, endorsement, certification, authorization, or
32 statement of recognition issued by the board of educational
33 examiners resigns or the employee's contract is terminated
34 during the school district's, accredited nonpublic school's, or
35 charter school's investigation of the incident.

1 *d.* The process shall require that, prior to hiring an
2 applicant for any position, the board of directors of a
3 school district, the authorities in charge of an accredited
4 nonpublic school, and the governing board of a charter school
5 must conduct a review of the applicant's employment history,
6 including by contacting the applicant's previous employers
7 listed on the application for employment and by viewing the
8 board of educational examiners' public license information to
9 determine if the applicant has a case pending with a finding of
10 probable cause or any licensure sanction.

11 *e.* The process shall require the board of directors of a
12 school district, the authorities in charge of an accredited
13 nonpublic school, and the governing board of a charter school
14 to maintain on forms prescribed by the board of educational
15 examiners reference information related to all employees of
16 the school district, accredited nonpublic school, or charter
17 school, and respond to any request for such information from
18 a potential employer. This paragraph shall not be construed
19 to require the board of directors of a school district, the
20 authorities in charge of an accredited nonpublic school, or
21 the governing board of a charter school to disclose unfounded,
22 closed investigations. The board of directors of a school
23 district, the authorities in charge of an accredited nonpublic
24 school, or the governing board of a charter school shall be
25 immune from any criminal or civil liability arising from the
26 disclosure of reference information under this paragraph if the
27 school district, accredited nonpublic school, or charter school
28 does not knowingly disclose false information.

29 *f.* The board of directors of a school district, the
30 authorities in charge of an accredited nonpublic school, or
31 the governing board of a charter school, and contractors of
32 the school district, the accredited nonpublic school, or the
33 charter school shall be immune from any civil liability arising
34 from discussing an incident, past performance or actions,
35 past allegations leading to discipline or adverse employment

1 action, or employee resignation with any governmental agent,
2 governmental officer, or any potential employer.

3 *g.* If, after investigation, the board of educational
4 examiners determines that the board of directors of a
5 school district, the authorities in charge of an accredited
6 nonpublic school, or the governing board of a charter school
7 has intentionally failed to follow the process established
8 by this subsection regarding an incident, or the reporting
9 requirements established pursuant to section 256.160, related
10 to an employee who holds a license, endorsement, certification,
11 authorization, or statement of recognition issued by the board
12 of educational examiners, any administrator of the school
13 district, the accredited nonpublic school, or the charter
14 school who intentionally failed to ensure compliance with the
15 process shall be subject to a hearing conducted by the board of
16 educational examiners.

17 *h.* If, after investigation, the board of educational
18 examiners determines that the board of directors of a school
19 district, the authorities in charge of an accredited nonpublic
20 school, or the governing board of a charter school has
21 intentionally failed to follow the process established by
22 this subsection regarding an incident related to an employee
23 who does not hold a license, endorsement, certification,
24 authorization, or statement of recognition issued by the board
25 of educational examiners, any administrator of the school
26 district, the accredited nonpublic school, or the charter
27 school who intentionally failed to ensure compliance with the
28 process shall be subject to a hearing conducted by the board of
29 educational examiners.

30 *i.* If, after investigation, the board of educational
31 examiners determines that the board of directors of a school
32 district, the authorities in charge of an accredited nonpublic
33 school, or the governing board of a charter school has
34 intentionally concealed, or attempted to conceal from any
35 governmental agent, governmental officer, or potential employer

1 a founded incident, or any conduct required to be reported
2 pursuant to section 256.160, related to an employee who holds
3 a license, endorsement, certification, authorization, or
4 statement of recognition issued by the board of educational
5 examiners, any administrator of the school district, the
6 accredited nonpublic school, or the charter school who
7 intentionally assisted in the concealment, or attempted
8 concealment, of an incident, or any conduct required to be
9 reported pursuant to section 256.160, shall be subject to a
10 hearing conducted by the board of educational examiners.

11 *j.* If, after investigation, the board of educational
12 examiners finds that the board of directors of a school
13 district, the authorities in charge of an accredited nonpublic
14 school, or the governing board of a charter school has
15 intentionally concealed, or attempted to conceal from any
16 governmental agent, governmental officer, or potential employer
17 a founded incident related to an employee who does not hold
18 a license, endorsement, certification, authorization, or
19 statement of recognition issued by the board of educational
20 examiners, any administrator of the school district, the
21 accredited nonpublic school, or the charter school who
22 intentionally assisted in the concealment, or attempted
23 concealment, of an incident shall be subject to a hearing
24 conducted by the board of educational examiners.

25 *k.* (1) Annually, on or before June 30 of each year, the
26 board of educational examiners shall submit to the general
27 assembly a report that contains information related to all of
28 the following:

29 (a) The number and types of disciplinary hearings before the
30 board of educational examiners.

31 (b) Any trends in the number or types of disciplinary
32 hearings before the board of educational examiners.

33 (c) The number of board of educational examiners
34 investigations of the employees of school districts, accredited
35 nonpublic schools, or charter schools who do not hold a

1 license, endorsement, certification, authorization, or
2 statement of recognition issued by the board of educational
3 examiners, that the board of educational examiners referred to
4 a law enforcement agency.

5 (d) Any other information deemed relevant by the board of
6 educational examiners in order to inform the general assembly
7 of the status of the enforcement of the board of educational
8 examiners' rules.

9 (2) The report shall not include any personally
10 identifiable information related to investigations referred to
11 a law enforcement agency.

12 Sec. 8. Section 280.34, Code 2024, is amended to read as
13 follows:

14 **280.34 Incidents related to licensed practitioners —**
15 **reporting and investigation.**

16 The board of directors of a school district and the
17 authorities in charge of each accredited nonpublic school shall
18 follow the process created by the ~~department of education board~~
19 of educational examiners pursuant to section ~~256.9, subsection~~
20 ~~67~~ 256.146, subsection 25, related to the reporting and
21 investigation of an incident involving the possible commission
22 of a felony by any employee of the board of directors of the
23 school district or the authorities in charge of the accredited
24 nonpublic school.

25 Sec. 9. REPEAL. Section 256.158A, Code 2024, is repealed.

26 DIVISION III

27 BOARD OF EDUCATIONAL EXAMINERS — REPORTING REQUIREMENTS

28 Sec. 10. Section 256.158, subsection 3, Code 2024, is
29 amended to read as follows:

30 3. a. All Subject to paragraph "b", all complaint files,
31 investigation files, other investigation reports, and other
32 investigative information in the possession of the board or
33 its employees or agents, which relate to licensee discipline
34 or the investigation of nonlicensed school employees, are
35 privileged and confidential, and are not subject to discovery,

1 subpoena, or other means of legal compulsion for their release
 2 to a person other than the respondent and the board and
 3 its employees and agents involved in licensee discipline or
 4 the investigation of nonlicensed school employees, and are
 5 not admissible in evidence in a judicial or administrative
 6 proceeding other than the proceeding involving licensee
 7 discipline. A complaint, any amendment to a complaint, and
 8 any supporting documents shall be provided to the respondent
 9 immediately upon the board's determination that jurisdictional
 10 requirements have been met and prior to the commencement of the
 11 board's investigation of a licensee. Investigative information
 12 in the possession of the board or its employees or agents which
 13 relates to licensee discipline may be disclosed to appropriate
 14 licensing authorities within this state, the appropriate
 15 licensing authority in another state, the District of Columbia,
 16 or a territory or country in which the licensee is licensed
 17 or has applied for a license. A final written decision and
 18 finding of fact of the board in a disciplinary proceeding is a
 19 public record.

20 b. Notwithstanding paragraph "a", if the investigative
 21 information in the possession of the board or its employees
 22 or agents indicates that a crime has been committed by either
 23 a licensee or a nonlicensed school employee, the board shall
 24 report the investigative information to the proper law
 25 enforcement agency.

26 DIVISION IV

27 BOARD OF EDUCATIONAL EXAMINERS — TIME IN WHICH COMPLAINTS CAN 28 BE INVESTIGATED

29 Sec. 11. Section 256.146, subsection 14, paragraph a, Code
 30 2024, is amended to read as follows:

31 a. Adopt rules that require specificity in written
 32 complaints that are filed by individuals who have personal
 33 knowledge of an alleged violation and which are accepted by
 34 the board, provide that the jurisdictional requirements as set
 35 by the board in administrative rule are met on the face of the

1 complaint before initiating an investigation of allegations,
2 provide that any investigation be limited to the allegations
3 contained on the face of the complaint, provide for an adequate
4 interval between the receipt of a complaint and public notice
5 of the complaint, permit parties to a complaint to mutually
6 agree to a resolution of the complaint filed with the board,
7 allow the respondent the right to review any investigative
8 report upon a finding of probable cause for further action
9 by the board, require that the conduct providing the basis
10 for the complaint occurred within three years of discovery of
11 the event by the complainant unless good cause can be shown
12 for an extension of this limitation or unless the conduct
13 constitutes conduct described in section 256.160, subsection
14 1, paragraph "a", subparagraph (1), subparagraph division (a),
15 require complaints to be resolved within one hundred eighty
16 days unless good cause can be shown for an extension of this
17 limitation, and require the board to finalize the investigation
18 of the written complaint even if the licensed practitioner
19 resigns or surrenders the licensed practitioner's license,
20 certificate, authorization, or statement of recognition during
21 the investigation.